

REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 have been rejected.

Claims 1, 9, 17 and 19 are amended.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

*Rejection of Claims Under 35 U.S.C. §103*

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,854,889 issued to Liese et al. ("Liese") in view of U.S. Patent No. 6,618,854 issued to Mann ("Mann"). Applicants traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references

themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

### **Independent Claim 9:**

Independent Claim 9, as amended, contains the following limitations:

providing a test network comprising a plurality of probe network devices each hosting a corresponding task type and further comprising a network under test coupled to the probe network devices;

providing a NVT server coupled to the probe network devices;

entering the parameters for a plurality of tasks into corresponding templates, wherein

each of the plurality of tasks has a corresponding task type,

a first task subset of the plurality of tasks comprises parameters for tasks to configure the network under test to emulate a network having a greater number of network devices than the number of network devices comprising the network under test,

a second task subset of the plurality of tasks comprises parameters for tasks to configure corresponding probe network devices to analyze conditions of the emulated network, and

a profile comprises the first and second task subsets;

translating the parameters into instructions executable by the probe network device corresponding to the associated task type, wherein

said translating is performed using the NVT server;

transferring the instructions to each probe network device corresponding to the associated tasks;

executing the profile in the network under test by executing the task types associated with the instructions on each probe network device corresponding to the associated tasks in order to form a process on the probe network device; and

monitoring the network under test in order to determine performance, wherein

said monitoring is performed using the processes on the probe network devices associated with the second task subset.

Claim 9 (amended). Applicants respectfully submit that neither Liese nor Mann, alone or in combination provides disclosure of all of these limitations.

Amended Claim 9 provides for entering parameters for a plurality of tasks that are performed by corresponding probe network devices coupled to a network under test. A first task subset of the plurality of tasks is directed toward configuring the network under test to emulate a network having more network devices than does the network under test. Support for this amended limitation can be found in the original Application. *See, e.g.*, Application, p.8, ll.7-10 (“Probe network devices 2 through 6 are coupled into network under test 11 and, depending on the test, operate various processes from task types which they host in order to emulate a larger network environment or to probe conditions of a larger network environment.”). A second task subset of the plurality of tasks is directed toward analyzing conditions of the emulated network. *See id.* The first and second task subsets form a profile. *See* Application, p.9, l.6 (“A profile is a collection of tasks.”). Formally, Claim 9 has been amended to include a plurality of probe network devices in order to execute the plurality of tasks.

Applicants submit that neither the cited sections of Liese nor Mann, alone or in combination, provide disclosure of these amended limitations. The Office Action presents the cited sections of Liese for the proposition that Liese’s “custom servers” correspond to the claimed probe network devices and the “execution server” corresponds to the claimed NVT server. *See* Office Action, p.6. The Office Action then posits that sections of Liese related to purportedly providing instructions to a set of custom servers correspond to the claimed “entering the parameters,” “transferring the instructions,” “executing the tasks,” and “monitoring the test network” limitations. *See* Office Action,

pp.6-7 (citing Liese 3:9-47, 4:19-23, 7:9-12, 3:48-63). Applicants submit that none of these cited sections of Liese provide disclosure of configuring a network under test to emulate a network having more network devices than does the network under test. Nor do the cited sections provide for monitoring such an emulated network. Nor would one expect such disclosure from Liese or Mann.

Liese is presented as an environment to test network products to ensure their proper operation. *See* Liese 1:17-19. Liese provides for purportedly executing a variety of custom server test cases on a network. *See* Liese 3:9-28. The custom servers are disclosed to be directed toward ISDN servers, SS7 servers and CG servers, none of which are purported to permit configuration of Liese's network to emulate a larger network, as claimed. Each custom server is disclosed to be only responsible for specific types of test cases and equipment. *See* Liese 4:30-38; *see also* Liese 6:50-52 ("Each Custom Server 22, 26, 28 manages test execution of specific types of test equipment."). Nor does the Office Action suggest that Liese discloses probe network devices that can configure the network under test to emulate a larger network. *See, e.g.,* Office Action, p.5 (only referring to a purported disclosure of a traffic generator and not the claimed large network emulator). Thus, Applicants respectfully submit that Liese fails to teach configuring a test network to emulate a larger network or the provision of parameters to do so.

The Office Action only cites Mann for the proposition that it purportedly discloses the claimed "translation" limitation. *See* Office Action, p.7. In fact, Mann relates only to providing an Integrated Debug Environment (*see* Mann, Abstract) and would not be expected to provide a functionality for enabling a network to emulate a

larger network, as claimed. Nor would one expect the combination of Liese with Mann to provide such functionality either.

For at least these reasons, Applicants submit that neither Liese nor Mann, alone or in combination, provide disclosure of all the limitations of independent Claim 9, as amended, and all claims depending therefrom and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**Independent Claim 1:**

Independent Claim 1, as amended, includes limitations of the following form:

a network under test;

a plurality of probe network devices coupled to the network under test, each one probe network device configured to host at least one associated task type; and

an NVT server coupled to the plurality of probe network devices, wherein the NVT server is configured to translate parameters for a plurality of tasks entered by a user to instructions executable by the plurality of probe network devices, wherein

each task of the plurality of tasks has a corresponding task type,

a first task subset of the plurality of tasks comprises parameters for tasks to configure the network under test to emulate a network having a greater number of network devices than the number of network devices comprising the network under test,

a second task subset of the plurality of tasks comprises parameters for tasks to configure corresponding probe network devices to analyze conditions of the emulated network; and

a profile comprises the first and second task subsets,

the NVT server is configured to transmit the profile to the network under test by further being configured to transmit the instructions to each probe network device hosting the associated task type, and

each probe network device is configured to execute a process corresponding to the at least one associated task type in response to the instructions.

Claim 1 (amended). Applicants respectfully submit that neither the cited sections of Liese nor the cited sections of Mann, alone or in combination, provide disclosure of all these claim limitations.

Amended Claim 1 provides for the NVT server to translate parameters entered by a user for a plurality of tasks that are performed by corresponding probe network devices coupled to a network under test. A first task subset of the plurality of tasks is directed toward configuring the network under test to emulate a network having more network devices than does the network under test. Support for this amended limitation can be found in the original Application. *See, e.g.*, Application, p.8, ll.7-10 (“Probe network devices 2 through 6 are coupled into network under test 11 and, depending on the test, operate various processes from task types which they host in order to emulate a larger network environment or to probe conditions of a larger network environment.”). A second task subset of the plurality of tasks is directed toward analyzing conditions of the emulated network. *See id.* The first and second task subsets form a profile. *See* Application, p.9, l.6 (“A profile is a collection of tasks.”). Formally, Claim 1 has been amended to include a plurality of probe network devices in order to execute the plurality of tasks.

Applicants submit that neither the cited sections of Liese nor Mann, alone or in combination, provide disclosure of these amended limitations. The Office Action presents the cited sections of Liese for the proposition that Liese’s “custom servers” correspond to the claimed probe network devices and the “execution server” corresponds to the claimed NVT server. *See* Office Action, p.2. The Office Action then posits that sections of Liese related to purportedly providing instructions to a set of custom servers

correspond to the claimed “parameters entered by a user,” “transmit the instructions,” and “execute a process” limitations. *See* Office Action, p.3 (citing Liese 3:9-47, 5:55-59, 7:6-9, 8:14-18). Applicants submit that none of these cited sections of Liese provide disclosure of configuring a network under test to emulate a network having more network devices than does the network under test (i.e., a network larger than the network under test). Nor do the cited sections provide for monitoring such an emulated network. Nor would one expect such disclosure from Liese or Mann.

Liese is presented as an environment to test network products to ensure their proper operation. *See* Liese 1:17-19. Liese provides for purportedly executing a variety of custom server test cases on a network. *See* Liese 3:9-28. The custom servers are disclosed to be directed toward ISDN servers, SS7 servers and CG servers, none of which are purported to permit configuration of Liese’s network to emulate a larger network, as claimed. Each custom server is disclosed to be only responsible for specific types of test cases and equipment. *See* Liese 4:30-38; *see also* Liese 6:50-52 (“Each Custom Server 22, 26, 28 manages test execution of specific types of test equipment.”). Nor does the Office Action suggest that Liese discloses probe network devices that can configure the network under test to emulate a larger network. *See, e.g.,* Office Action, p.5 (only referring to a purported disclosure of a traffic generator and not the claimed large network emulator). Thus, Applicants respectfully submit that Liese fails to teach configuring a test network to emulate a larger network or the provision of parameters to do so.

The Office Action only cites Mann for the proposition that it purportedly discloses the claimed “translation” limitation. *See* Office Action, p.3. In fact, Mann

relates only to providing an Integrated Debug Environment (*see* Mann, Abstract) and would not be expected to provide a functionality for enabling a network to emulate a larger network, as claimed. Nor would one expect the combination of Liese with Mann to provide such functionality either.

For at least these reasons, Applicants submit that neither Liese nor Mann, alone or in combination, provide disclosure of all the limitations of independent Claim 1, as amended, and all claims depending therefrom and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**Independent Claim 17:**

Independent Claim 17, as amended, includes limitations of the following form:

forming a profile comprising a plurality of tasks, the plurality of tasks further comprising a first task subset and a second task subset;

forming each task, each task being formed by entering task parameters into a corresponding task template, wherein

the first task subset comprises parameters for tasks to configure a network under test to emulate a network having a greater number of network devices than the number of network devices comprising the network under test, and

the second task subset comprises parameters for tasks to configure corresponding probe network devices to analyze conditions of the emulated network; and

translating the task parameters using the NVT server to form executable instructions that can be executed by a plurality of probe network devices, each corresponding to a task of the plurality of tasks, and hosting a corresponding task code, wherein

the task codes execute the executable instructions.



Claim 17 (amended). Applicants respectfully submit that neither the cited sections of Liese nor the cited sections of Mann, alone or in combination, provide disclosure of all these claim limitations.

Amended Claim 17 provides for a method that includes forming a plurality of tasks by entering task parameters into a task templates corresponding to each task. A first task subset of the plurality of tasks is directed toward configuring the network under test to emulate a network having more network devices than does the network under test. Support for this amended limitation can be found in the original Application. *See, e.g.*, Application, p.8, ll.7-10 (“Probe network devices 2 through 6 are coupled into network under test 11 and, depending on the test, operate various processes from task types which they host in order to emulate a larger network environment or to probe conditions of a larger network environment.”). A second task subset of the plurality of tasks is directed toward analyzing conditions of the emulated network. *See id.* The first and second task subsets form a profile. *See* Application, p.9, l.6 (“A profile is a collection of tasks.”). Formally, Claim 17 has been amended to include a plurality of probe network devices in order to execute the plurality of tasks.

Applicants submit that neither the cited sections of Liese nor Mann, alone or in combination, provide disclosure of these amended limitations. The Office Action presents the cited sections of Liese for the proposition that Liese’s “custom servers” correspond to the claimed probe network devices and the “execution server” corresponds to the claimed NVT server. *See* Office Action, p.12. The Office Action then posits that sections of Liese relate to “entering task parameters into a task template” and transmitting instructions to a probe network device. *See* Office Action, p.12 (citing Liese 3:9-47, 7:9-

12). Applicants submit that none of these cited sections of Liese provide disclosure of configuring a network under test to emulate a network having more network devices than does the network under test (i.e., a network larger than the network under test). Nor do the cited sections provide for monitoring such an emulated network. Nor would one expect such disclosure from Liese or Mann.

Liese is presented as an environment to test network products to ensure their proper operation. *See* Liese 1:17-19. Liese provides for purportedly executing a variety of custom server test cases on a network. *See* Liese 3:9-28. The custom servers are disclosed to be directed toward ISDN servers, SS7 servers and CG servers, none of which are purported to permit configuration of Liese's network to emulate a larger network, as claimed. Each custom server is disclosed to be only responsible for specific types of test cases and equipment. *See* Liese 4:30-38; *see also* Liese 6:50-52 ("Each Custom Server 22, 26, 28 manages test execution of specific types of test equipment."). Nor does the Office Action suggest that Liese discloses probe network devices that can configure the network under test to emulate a larger network. *See, e.g.,* Office Action, p.5 (only referring to a purported disclosure of a traffic generator and not the claimed large network emulator). Thus, Applicants respectfully submit that Liese fails to teach configuring a test network to emulate a larger network or the provision of parameters to do so.

The Office Action only cites Mann for the proposition that it purportedly discloses the claimed "translation" limitation. *See* Office Action, p.13. In fact, Mann relates only to providing an Integrated Debug Environment (*see* Mann, Abstract) and would not be expected to provide a functionality for enabling a network to emulate a

larger network, as claimed. Nor would one expect the combination of Liese with Mann to provide such functionality either.

For at least these reasons, Applicants submit that neither Liese nor Mann, alone or in combination, provide disclosure of all the limitations of independent Claim 17, as amended, and all claims depending therefrom and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**Independent Claim 19:**

Independent Claim 19, as amended, includes limitations directed toward computer instructions implemented on an NVT server of the following form:

forming a profile comprising a plurality of tasks, the plurality of tasks further comprising a first task subset and a second task subset, wherein said forming the profile comprises:

sending task templates to a user, wherein each task template corresponds to a task of the plurality of tasks;

receiving tasks formed by the user entering parameters into the task templates, wherein

the first task subset comprises parameters for tasks to configure a network under test to emulate a network having a greater number of network devices than the number of network devices comprising the network under test, and

the second task subset comprises parameters for tasks to configure corresponding probe network devices to analyze conditions of the emulated network;

translating the tasks to task code configured to be executed by one or more probe network devices; and

transmitting the task code to the one or more probe network devices.

Claim 19 (amended). Applicants respectfully submit that neither the cited sections of Liese nor the cited sections of Mann, alone or in combination, provide disclosure of all these claim limitations.

Amended Claim 19 provides for computer instructions that include forming a profile comprising a plurality of tasks that further include a first and second task subset. Instructions are provided for a user to enter task parameters into a task templates. A first task subset of the plurality of tasks is directed toward configuring the network under test to emulate a network having more network devices than does the network under test. Support for this amended limitation can be found in the original Application. *See, e.g.,* Application, p.8, ll.7-10 (“Probe network devices 2 through 6 are coupled into network under test 11 and, depending on the test, operate various processes from task types which they host in order to emulate a larger network environment or to probe conditions of a larger network environment.”). A second task subset of the plurality of tasks is directed toward analyzing conditions of the emulated network. *See id.* The first and second task subsets form a profile. *See* Application, p.9, l.6 (“A profile is a collection of tasks.”).

Applicants submit that neither the cited sections of Liese nor Mann, alone or in combination, provide disclosure of these amended limitations. The Office Action presents the cited sections of Liese for the proposition that Liese’s “custom servers” correspond to the claimed probe network devices and the “execution server” corresponds to the claimed NVT server. *See* Office Action, p.14. The Office Action then posits that sections of Liese relate to the claimed “sending,” “receiving, and “transmitting” limitations. *See* Office Action, p.12 (citing Liese 3:9-47, 4:19-23). Applicants submit that none of these cited sections of Liese provide disclosure of configuring a network under test to emulate a network having more network devices than does the network under test (i.e., a network larger than the network under test). Nor do the cited sections

provide for monitoring such an emulated network. Nor would one expect such disclosure from Liese or Mann.

Liese is presented as an environment to test network products to ensure their proper operation. *See* Liese 1:17-19. Liese provides for purportedly executing a variety of custom server test cases on a network. *See* Liese 3:9-28. The custom servers are disclosed to be directed toward ISDN servers, SS7 servers and CG servers, none of which are purported to permit configuration of Liese's network to emulate a larger network, as claimed. Each custom server is disclosed to be only responsible for specific types of test cases and equipment. *See* Liese 4:30-38; *see also* Liese 6:50-52 ("Each Custom Server 22, 26, 28 manages test execution of specific types of test equipment."). Nor does the Office Action suggest that Liese discloses probe network devices that can configure the network under test to emulate a larger network. *See, e.g.*, Office Action, p.5 (only referring to a purported disclosure of a traffic generator and not the claimed large network emulator). Thus, Applicants respectfully submit that Liese fails to teach configuring a test network to emulate a larger network or the provision of parameters to do so.

The Office Action only cites Mann for the proposition that it purportedly discloses the claimed "translation" limitation. *See* Office Action, p.15. In fact, Mann relates only to providing an Integrated Debug Environment (*see* Mann, Abstract) and would not be expected to provide a functionality for enabling a network to emulate a larger network, as claimed. Nor would one expect the combination of Liese with Mann to provide such functionality either.

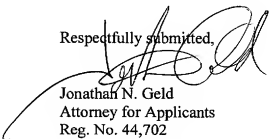
For at least these reasons, Applicants submit that neither Liese nor Mann, alone or in combination, provide disclosure of all the limitations of independent Claim 19, as amended, and all claims depending therefrom and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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